

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

SHYANDREA HESTER and MARY
HESTER,

Plaintiffs,

v.

LOWNDES COUNTY COMMISSION,
CHRISTOPHER BROWN,
EMERGYSTAT, DEPUTY JIMMY
HARRIS, et al.,

Defendants.

CIVIL ACTION NO.:
2:06-cv-572-WHA

ORDER ON PRETRIAL HEARING

A pretrial hearing was held in this case on May 30, 2007, wherein the following proceedings were held and actions taken:

1. PARTIES AND TRIAL COUNSEL:

Plaintiff, Shyandrea Hester, represented by Tyrone Townsend and James Earl Finley.

Defendants, Emergystat, Inc. and Christopher Brown, represented by Celeste P. Holpp.

COUNSEL APPEARING AT PRETRIAL HEARING:

Tyrone Townsend, James Earl Finley, and Celeste P. Holpp.

2. JURISDICITON AND VENUE:

This action was originally filed in the Lowndes County Circuit Court Civil Action Number 2006-58. Upon motion of the Defendant the case was removed to the Northern District of the United States District Court for the Middle District of Alabama.

3. PLEADINGS: The following pleadings and amendments were allowed:

Shyandrea Hester's Count One of the Complaint against Christopher Brown and Emergystat, Inc. for assault, battery and false imprisonment.

4. CONTENTIONS OF THE PARTIES:

(a) The plaintiff, Shyandrea Hester, claims the defendants without legal authority or informed restrain [sic] and transport [sic] Shyandrea Hester against her will while performing unauthorized and unwarranted procedures on her.

(b) The defendants, Emergystat, Inc. and Christopher Brown, deny each and every allegation of the plaintiff. The plaintiff had consented to treatment and transport by EMT/Paramedic Christopher Brown. At no time, did Mr. Brown offer to touch or in fact touch Shyandrea Hester in a rude, angry or offensive manner. At no time did Mr. Brown intend to create in Shyandrea Hester's mind a fear of an imminent battery. All of Mr. Brown's care provided to Shyandrea Hester was provided within the standard of care of an emergency medical technician/paramedic.

5. STIPULATIONS BY AND BETWEEN THE PARTIES:

It is ORDERED that:

1. The jury selection and trial of this cause, which is to last 2 days, are set for July 17, 2007, at 10:00 a.m. at the United States Courthouse in Montgomery, Alabama;

2. A trial docket will be mailed to counsel for each party approximately two (2) weeks prior to the start of the trial term;

3. Each party shall have available at the time of trial, for use by the court (the judge, the courtroom deputy clerk, and the law clerk), three copies of the exhibit list and a sufficient number of copies of each photo statically reproducible exhibit for opposing counsel, the courtroom deputy clerk, the law clerk, and the judge to each have a set of the exhibits;

4. **IF NOT REQUIRED:** The parties in this case are not required to file trial briefs. However, if they wish to do so, their trial briefs shall be filed no later than July 3, 2007.

5. All deadlines not otherwise affected by this order will remain as set forth in the Uniform Scheduling Order entered by the court on December 4, 2006;

6. All understandings, agreements, deadlines, and stipulations contained in this Pretrial Order shall be binding on all parties unless this Order be hereafter modified by Order of the court.

DONE this 30th day of May, 2007.

/s/ W. Harold Albritton
W. Harold Albritton Senior U. S. District
Judge

